

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
02-CA-229722

Date Filed
10/22/18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer OTG Management		b. Tel. No. (646) 852-2329	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) Michael Murphy 352 Park Ave S Fl 10 NY New York 10010-1726		e. Employer Representative Michael Murphy	
		g. e-Mail michael.murphy@otgmanagement.com	
		h. Number of workers employed 500	
i. Type of Establishment (factory, mine, wholesaler, etc.) Others		j. Identify principal product or service Food service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Jonathan Shapiro Title: Local 100			
4a. Address (Street and number, city, state, and ZIP code) 275 7th Avenue 16th Floor NY NYC 10001-_____		4b. Tel. No. (917) 746-4873	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail jshapiro@100.unitehere.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (917) 746-4873	
By Jonathan Shapiro (signature of representative or person making charge)		Office, if any, Cell No.	
Title: Jonathan Shapiro (Print/type name and title or office, if any)		Fax No.	
275 7th Avenue 16th Floor Address NYC NY 10001-_____		e-Mail jshapiro@100.unitehere.org	
10/22/2018 10:55:52 (date)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

RECEIVED
NLRB
REGION 2
NEW YORK, NY
OCT 21 10 3:35 AM

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Issuing mandatory arbitration agreement	10/18



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



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October 24, 2018

Jonathan Shapiro
Local 100
275 7th Avenue
16th Floor
NYC, NY 10001-_____

Re: OTG Management
Case 02-CA-229722

Dear Mr Shapiro:

The charge that you filed in this case on October 22, 2018 has been docketed as case number 02-CA-229722. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOANE WONG whose telephone number is (212)776-8653. If this Board agent is not available, you may contact Deputy Regional Attorney GEOFFREY DUNHAM whose telephone number is (212)776-8609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

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Telephone: (212)264-0300
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October 24, 2018

Michael Murphy
OTG Management
Michael Murphy 352 Park Ave S
Fl 10
New York, NY 10010-1726

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Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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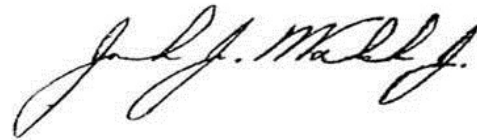
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Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

OTG Management

and

UNITE HERE Local 100

CASE 02-CA-229722

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
UNITE HERE Local 100

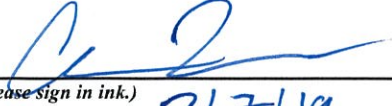
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Andrew D. Midgen
MAILING ADDRESS: Pitta LLP, 120 Broadway, 28th Floor, New York, NY 10271
E-MAIL ADDRESS: amidgen@pittalaw.com
OFFICE TELEPHONE NUMBER: (212) 652-3829
CELL PHONE NUMBER: (860) 706-9837 FAX: _____
SIGNATURE: 
(Please Sign in ink.)
DATE: 2/7/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

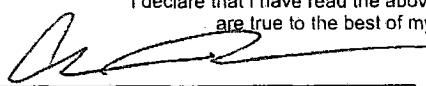
02-CA-236432

Date Filed

2-14-19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer OTG Management, LLC, and/or OTG Management JFK, LLC, and/or OTG Management T8, LLC, and/or LaGuardia USA, LLC, and/or LGA Airport Restaurants L.P. at LaGuardia Airport, and/or LaGuardia USA, LLC at LaGuardia Airport, and/or LaGuardia Airport Restaurant, LP, and/or OTG Management EWR, LLC, as single and/or joint employers.	b. Tel. No. (646) 852-2329
	c. Cell No.
	f. Fax. No.
d. Address (Street, city, state, and ZIP code) 352 Park Ave. S Floor 10 New York, NY 10010	e. Employer Representative Christopher Redd, Executive Vice President Michael Murphy, Senior Vice President, Operations
	g. e-mail michael.murphy@otgmanagement.com
	h. Number of workers employed 500
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospitality	j. Identify principal product or service Food Service
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) and Section 8(d) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the previous six months, the Employer required employees to sign a dispute resolution agreement unilaterally changing terms and conditions of employment without providing the Union with notice and an opportunity to bargain	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) UNITE HERE Local 100	
4a. Address (Street and number, city, state, and ZIP code) 275 7th Avenue, 16th Floor New York NY 10001	4b. Tel. No. (212) 541-4226
	4c. Cell No.
	4d. Fax No.
	4e. e-mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Andrew D. Midgen, Esq. (Print/type name and title or office, if any)	
Tel. No. (212) 652-3890	
Office, if any, Cell No.	
Fax No.	
e-mail amidgen@pittalaw.com	
Address Pitta LLP, 120 Broadway 28th Flr., New York, NY 10271	
Date 2/14/19	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



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Mobile App

February 22, 2019

UNITE HERE Local 100
275 Seventh Avenue, 16th Floor
New York, NY 10001

Re: OTG Management, LLC, et al.
Case 02-CA-236432

Dear Sir or Madam:

The charge that you filed in this case on February 19, 2019 has been docketed as case number 02-CA-236432. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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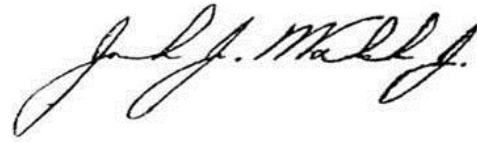
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JOHN J. WALSH, JR.
Regional Director

cc: Andrew D. Midgen, Esq.
Pitta LLP
120 Broadway, 28th Floor
New York, NY 10271



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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New York, NY 10278-3699

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Fax: (212)264-2450



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February 22, 2019

OTG Management
Attn: Michael Murphy, Senior Vice President Operations
352 Park Ave. S Floor 10
New York, NY 10010

Re: OTG Management, LLC, et al.
Case 02-CA-236432

Dear Murphy:

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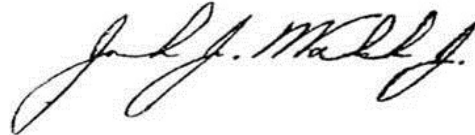
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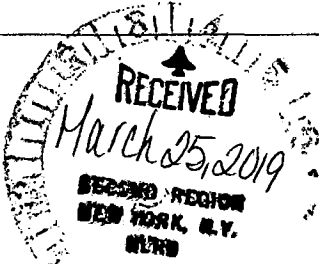
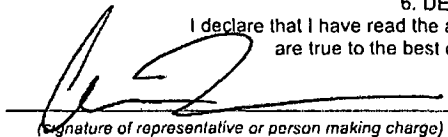
1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
 CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 02-CA-236432	Date Filed 3/25/2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer OTG Management, LLC, and/or OTG Management JFK, LLC, and/or OTG Management T8, LLC, and/or LaGuardia USA, LLC, and/or LGA Airport Restaurants L.P. at LaGuardia Airport, and/or LaGuardia USA, LLC at LaGuardia Airport, and/or LaGuardia Airport Restaurant, LP, and/or OTG Management EWR, LLC, as single and/or joint employers.	
b. Tel. No. (646) 852-2329	
c. Cell No.	
f. Fax. No.	
d. Address (Street, city, state, and ZIP code) 352 Park Ave. S Floor 10 New York, NY 10010	e. Employer Representative Christopher Redd, Executive Vice President Michael Murphy, Senior Vice President, Operations
g. e-mail michael.murphy@otgmanagement.com	
h. Number of workers employed 500	
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospitality	j. Identify principal product or service Food Service
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) and Section 8(d) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the previous six months, the Employer required employees to sign a dispute resolution agreement unilaterally changing terms and conditions of employment without providing the Union with notice and an opportunity to bargain. The Employer's communications with represented employees for the purpose of changing terms and conditions of employment constitute unlawful direct dealing under the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) UNITE HERE Local 100	
4a. Address (Street and number, city, state, and ZIP code) 275 7th Avenue, 16th Floor New York NY 10001	4b. Tel. No. (212) 541-4226
	4c. Cell No.
	4d. Fax No.
	4e. e-mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. <div style="display: flex; justify-content: space-between;"> <div>  (Signature of representative or person making charge) </div> <div> Andrew D. Midgen, Esq. (Print/type name and title or office, if any) </div> </div>	
Tel. No. (212) 652-3890	
Office, if any. Cell No.	
Fax No.	
e-mail amidgen@pittalaw.com	
Address Pitta LLP, 120 Broadway 28th Flr., New York, NY 10271	
Date 3/25/19	

 WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

March 27, 2019

OTG Management
Attn.: Michael Murphy,
Senior Vice President Operations
352 Park Ave. S, 10th Floor
New York, NY 10010

Re: OTG Management, LLC, et al.
Case No. 02-CA-236432

Dear Murphy:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney JOANE WONG whose telephone number is (212)776-8653. If the agent is not available, you may contact Supervisory Attorney OLGA C. TORRES whose telephone number is (212)776-8649.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board

agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosure: Copy of first amended charge

cc: OTG Management
Attn.: Christopher Redd,
Executive Vice President
352 Park Ave S, 10th Floor
New York, NY 10010-1726



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

March 27, 2019

UNITE HERE Local 100
275 Seventh Avenue, 16th Floor
New York, NY 10001

Re: OTG Management, LLC, et al.
Case No. 02-CA-236432

Dear Sir or Madam:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney JOANE WONG whose telephone number is (212)776-8653. If the agent is not available, you may contact Supervisory Attorney OLGA C. TORRES whose telephone number is (212)776-8649.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

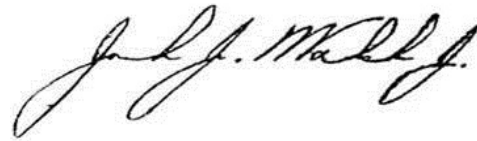
Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence

March 27, 2019

submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

cc: Andrew D. Midgen, Esq.
Pitta LLP
120 Broadway, 28th Floor
New York, NY 10007

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

OTG Management, LLC, et al.

and

Unite Here Local 100

CASE 02-CA-236432

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
OTG Management, LLC et al.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

Matthew Fontana	
NAME:	Drinker Biddle and Reath, LLP, One Logan Square, Suite 2000, Philadelphia, PA 19103
MAILING ADDRESS:	
E-MAIL ADDRESS:	matthew.fontana@dbr.com
OFFICE TELEPHONE NUMBER:	2159882912
CELL PHONE NUMBER:	7175743923
FAX:	
SIGNATURE:	
DATE:	9/16/12

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

OTG Management, LLC, et. al.

and

Unite Here Local 100

CASE 02-CA-236432

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
OTG Management, LLC et al.

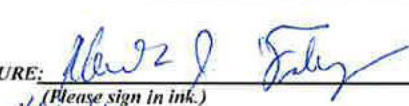
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

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☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

Mark J. Foley	
NAME:	_____
MAILING ADDRESS:	Drinker Biddle and Reath, LLP, One Logan Square, Suite 2000, Philadelphia, PA 19103
E-MAIL ADDRESS:	mark.foley@dbr.com
OFFICE TELEPHONE NUMBER:	2159882744
CELL PHONE NUMBER:	_____
FAX:	_____
SIGNATURE:	
DATE:	7/16/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

04-CA-243769

Date Filed

6/21/19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer OTG Management, LLC and its operating subsidiaries		b. Tel. No.
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1 International Plaza Drive Philadelphia, PA 19113	e. Employer Representative James Cosgrove	g. e-Mail jcosgrove@otgexp.com
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) airport concessions	j. Identify principal product or service food service	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

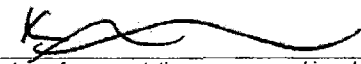
See attached

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 23, UNITE HERE Local 274 and UNITE HERE Local 17

4a. Address (Street and number, city, state, and ZIP code) Local 23 • 275 Seventh Ave., New York, NY 10001 Local 274 • 1415 N. Broad St. Suite 219, Philadelphia, PA Local 17 • 312 Central Ave. SE, Minneapolis, MN 55414	4b. Tel. No.
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE International Union

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 415-597-7200
By  (signature of representative or person making charge)	Kristin L. Martin, Attorney (Print/type name and title or office, if any)	Office, if any, Cell No.
McCracken, Stemerman & Holsberry, LLP 595 Market Street, Suite 800 San Francisco, CA		Fax No. 415-597-7201
6/20/2019 (date)		e-Mail klm@msh.law

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Attachment to Charge

During the last six months, the above-named employer restrained, coerced and interfered with employees in the exercise of their Section 7 rights by requiring, as a condition of employment, that employees enter into mandatory arbitration agreements that require the employees to keep confidential all arbitration proceedings, including the existence, content or results of any arbitration.

During the last six months, the above-named employer failed and refused to bargain in good faith with UNITE HERE Locals 17, 23 and 274 (the "Unions"), which are the exclusive bargaining representatives of units of the Employer's employees by (a) making execution of a mandatory arbitration agreement a condition of employment without giving the Unions notice and opportunity to bargain; and (b) entering into individual contracts with employees represented by the Unions, including with terms that conflict with the applicable collective-bargaining agreement.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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June 24, 2019

UNITE HERE Local 23
275 7th Avenue
New York, NY 10001

UNITE HERE Local 274
1415 N Broad St Ste 219
Philadelphia, PA 19122-3325

UNITE HERE Local 17
312 Central Ave SE
Minneapolis, MN 55414

Re: OTG Management, LLC
Case 04-CA-243769

Dear Sir or Madam:

The charge that you filed in this case on June 21, 2019 has been docketed as case number 04-CA-243769. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is written in a cursive style with a large, stylized "D" and "W".

DENNIS P. WALSH
Regional Director

cc: Kristin L. Martin, Esquire
McCracken, Stemerman & Holsberry, LLP
595 Market Street, Suite 800
San Francisco, CA 94105-2813



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
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Mobile App

June 24, 2019

James Cosgrove
OTG Management, LLC and its operating subsidiaries
1 International Plaza Drive
Philadelphia, PA 19113

Re: OTG Management, LLC
and its operating subsidiaries
Case 04-CA-243769

Dear Mr. Cosgrove:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH
Regional Director

Enclosures:

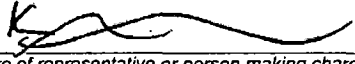
1. Copy of Charge
2. Commerce Questionnaire

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
04-CA-243769

Date Filed: 7-05-19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer OTG Management, LLC; OTG Management PHL, LLC; OTG Management Midwest, LLC; OTG DCA Venture II, LLC; OTG Management IAH, LLC		b. Tel. No.	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 1 International Plaza Drive Philadelphia, PA 19113		e. Employer Representative James Cosgrove	
		g. e-Mail jcosgrove@otgexp.com	
		h. Number of workers employed	
i. Type of Establishment (factory, mine, wholesaler, etc.) airport concessions		j. Identify principal product or service food service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <u>5</u> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See attached			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) UNITE HERE Local 23, UNITE HERE Local 274 and UNITE HERE Local 17			
4a. Address (Street and number, city, state, and ZIP code) Local 23 • 275 Seventh Ave., New York, NY 10001 Local 274 • 1415 N. Broad St. Suite 219, Philadelphia, PA Local 17 • 312 Central Ave. SE, Minneapolis, MN 55414		4b. Tel. No.	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE International Union			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 415-597-7200	
By  (signature of representative or person making charge)		Office, if any, Cell No.	
Kristin L. Martin, Attorney (Print/type name and title or office, if any)		Fax No. 415-597-7201	
McCracken, Stemerma & Holsberry, LLP 595 Market Street, Suite 800 Address San Francisco, CA		e-Mail klm@msh.law	
		7/5/2019 (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Attachment to Charge

During the last six months, the above-named employer restrained, coerced and interfered with employees in the exercise of their Section 7 rights by requiring, as a condition of employment, that employees enter into mandatory arbitration agreements that require the employees to keep confidential all arbitration proceedings, including the existence, content or results of any arbitration.

During the last six months, the above-named employer failed and refused to bargain in good faith with UNITE HERE Locals 17, 23 and 274 (the "Unions"), which are the exclusive bargaining representatives of units of the Employer's employees by (a) making execution of a mandatory arbitration agreement a condition of employment without giving the Unions notice and opportunity to bargain; and (b) entering into individual contracts with employees represented by the Unions, including with terms that conflict with the applicable collective-bargaining agreement.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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Mobile App

July 10, 2019

James Cosgrove
OTG Management, LLC et al
1 International Plaza Drive
Philadelphia, PA 19113

Re: OTG Management, LLC; OTG Management
PHL, LLC; OTG Management Midwest,
LLC; OTG DCA Venture II, LLC; OTG
Management IAH, LLC
Case 04-CA-243769

Dear Mr. Cosgrove:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent

July 10, 2019

to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is fluid and cursive, with the first name "Dennis" and last name "Walsh" clearly legible.

DENNIS P. WALSH
Regional Director

Enclosure: Copy of first amended charge

cc: Mark J. Foley, Esquire
Drinker Biddle & Reath LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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July 10, 2019

UNITE HERE Local 23
275 7th Avenue
New York, NY 10001

UNITE HERE Local 274
1415 N Broad St Ste 219
Philadelphia, PA 19122-3325

UNITE HERE Local 17
312 Central Ave
Minneapolis, MN 55414

Re: OTG Management, LLC; OTG Management
PHL, LLC; OTG Management Midwest,
LLC; OTG DCA Venture II, LLC; OTG
Management IAH, LLC
Case 04-CA-243769

Dear Sir or Madam:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

July 10, 2019

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is fluid and cursive, with the first name "Dennis" and last name "Walsh" clearly legible.

DENNIS P. WALSH
Regional Director

cc: Kristin L. Martin, ESQ.
McCracken, Stemerman
& Holsberry, LLP
595 Market Street, Suite 800
San Francisco, CA 94105-2813

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Unite Here Local 23, Unite Here Local 274, and Unite Here
Local 17

and

OTG Management, LLC

CASE 04-CA-243769

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

OTG Management, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Mark J. Foley, Esquire

MAILING ADDRESS: Drinker Biddle & Reath LLP, One Logan Square, Suite 2000, Philadelphia, PA 19103

E-MAIL ADDRESS: mark.foley@dbr.com

OFFICE TELEPHONE NUMBER: 215-988-2744

CELL PHONE NUMBER: 215-284-4637 FAX: 215-988-2757

SIGNATURE: 

(Please sign in ink.)

DATE: 7/9/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

22-CA-232086

Date Filed

12/3/2018

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer OTG Management EWR, LLC		b. Tel. No.
		c. Cell No. (862) 240-4382
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Terminal C Newark, NJ 07114	e. Employer Representative Alex Cauchon, Director	g. e-mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospitality	j. Identify principal product or service Food service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) and Section 8(d) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about November 1, 2018, the Employer made unilateral changes to mandatory subjects of bargaining and midterm modifications of the parties' CBA, including reducing the wages of a classification of employees and mandating a tip pooling system. The Employer also engaged in direct dealing with bargaining unit employees with respect to the wage reduction.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE! Local 100

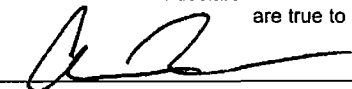
4a. Address (Street and number, city, state, and ZIP code) 275 Seventh Avenue, 10th Floor New York, NY 10001	4b. Tel. No. (212) 541-4226
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

UNITE HERE

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Andrew D. Midgen, Esq.

(Print/type name and title or office, if any)

Address Pitta LLP, 120 Broadway 28th Flr., New York, NY 10271

Date 12/3/18

Tel. No. (212) 652-3890
Office, if any, Cell No.
Fax No. (212) 652-3891
e-mail amidgen@pittalaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov
Telephone: (973)645-2100
Fax: (973)645-3852



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December 4, 2018

UNITE HERE LOCAL 100
275 7th Ave, 10th Floor
New York, NY 10001-6708

Re: OTG Management EWR, LLC
Case 22-CA-232086

Dear Sir or Madam:

The charge that you filed in this case on December 03, 2018 has been docketed as case number 22-CA-232086. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent AVINISH V. KUMA whose telephone number is (862)229-7030. If this Board agent is not available, you may contact Assistant to the Regional Director ERIC R. SCHECHTER whose telephone number is (862)229-7058.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is written in a cursive style with a large, sweeping initial "D".

DAVID E. LEACH III
Regional Director

cc: Andrew D. Midgen, Esq.
Pitta LLP
120 Broadway, 28th Floor
New York, NY



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov
Telephone: (973)645-2100
Fax: (973)645-3852



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December 4, 2018

Alex Cauchon, Director
OTG Management EWR, LLC
Terminal C
Newark, NJ 07114

Re: OTG Management EWR, LLC
Case 22-CA-232086

Dear Mr. Cauchon:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent AVINISH V. KUMA whose telephone number is (862)229-7030. If this Board agent is not available, you may contact Assistant to the Regional Director ERIC R. SCHECHTER whose telephone number is (862)229-7058.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is fluid and cursive, with a large initial "D" and a stylized "L".

DAVID E. LEACH III
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Unite Here! Local 100

and

OTG Management EWR, LLC

CASE 22-CA-232086

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
OTG Management EWR, LLC


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Michael E. Greenberg
MAILING ADDRESS: OTG Management, LLC, 1501 Lower State Road, Suite 102, North Wales, PA 19454
E-MAIL ADDRESS: mgreenberg@otgexp.com
OFFICE TELEPHONE NUMBER: 215-997-0676
CELL PHONE NUMBER: 267-454-4490 FAX: _____
SIGNATURE: 
(Please sign in ink.)
DATE: 12/28/18

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
FIRST AMENDMENT

FORM EXEMPT UNDER 44 U.S.C.3512

DO NOT WRITE IN THIS SPACE	
Case 22-CA-232086	Date Filed FEB 21, 2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer OTG Management EWR, LLC		b. Tel. No. (862) 240-4382	
		c. Cell No.	
		f. Fax No. (267) 454-4490	
d. Address (Street, city, state, and ZIP code) Terminal C Newark, NJ 07114		e. Employer Representative Michael E. Greenberg Esq.	
		g. e-Mail mgreenberg@otgexp.com	
		h. Number of workers employed 100 +	
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospitality		j. Identify principal product or service Food service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) and Section (d) the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
On or about November 1, 2018, the above-named Employer made unilateral changes to mandatory subjects of bargaining and mid-term modifications of the parties CBA, including reducing the wages of a classification of employees and mandating a tip pooling system.			
On or about November 1, 2018, the above-named Employer engaged in direct dealing with bargaining unit employees with respect to the wage reduction.			
Within six months of the filing of the charge, the above-named Employer has threatened employees with reprisals to include discharge and/or layoffs if employees refused to sign unilaterally imposed reclassification document.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) UNITE HERE! Local 100			
4a. Address (Street and number, city, state, and ZIP code) 275 Seventh Avenue, 10th Floor New York, NY 10001		4b. Tel. No. (212) 541-4226	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (212) 652-3890	
By  (Signature of representative or person making charge)		Office, if any, Cell No. N/A	
Andrew D. Midgen, Esq. (Print type name and title or office, if any)		Fax No. (212) 652-389	
Address Pitta, LLP 120 Broadway, 28th Floor New York, NY 10271		e-Mail amidgen@pittalaw.com	
(date) 2/20/19			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001).

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlr.gov
Telephone: (973)645-2100
Fax: (973)645-3852



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February 21, 2019

Alex Cauchon, Director
OTG Management EWR, LLC
Terminal C
Newark, NJ 07114

Re: OTG Management EWR, LLC.
Case 22-CA-232086

Dear Mr. Cauchon:

Enclosed is a copy of the **First Amended Charge** that has been filed in this case.

Investigator: This charge is being investigated by Board Agent AVINISH V. KUMA whose telephone number is (862)229-7030. If the agent is not available, you may contact Assistant to the Regional Director ERIC R. SCHECHTER whose telephone number is (862)229-7058.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the **First Amended Charge** as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is

normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is fluid and cursive, with the first name "David" being the most prominent.

DAVID E. LEACH III
Regional Director

Enclosure: Copy of **FIRST AMENDED CHARGE**

cc: Michael E. Greenberg, ESQ.
OTG Management EWR, LLC
1501 Lower State Road, Suite 102
North Wales, PA 19454



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov
Telephone: (973)645-2100
Fax: (973)645-3852



Download
NLRB
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February 21, 2019

UNITE HERE LOCAL 100
275 7th Ave, 10th Floor
New York, NY 10001-6708

Re: OTG Management EWR, LLC
Case 22-CA-232086

Dear Sir or Madam:

We have docketed the **First Amended Charge** that you filed in this case.

Investigator: This charge is being investigated by Board Agent AVINISH V. KUMA whose telephone number is (862)229-7030. If the agent is not available, you may contact Assistant to the Regional Director ERIC R. SCHECHTER whose telephone number is (862)229-7058.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the **First Amended Charge** and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is

normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is fluid and cursive, with a large initial "D" and a stylized "L" and "E".

DAVID E. LEACH III
Regional Director

cc: Andrew D. Midgen, ESQ.
Pitta LLP
120 Broadway, 28th Floor
New York, NY 10271

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC

and

Case 22-CA-232086

UNITE HERE LOCAL 100

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Unite Here Local 100 ("the Charging Party"). It is issued pursuant to Section 10(b) of the National Labor Relations Act ("the Act"), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that OTG Management EWR, LLC ("Respondent") has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Charging Party on December 3, 2018, and a copy was served on Respondent by U.S. mail on December 4, 2018.

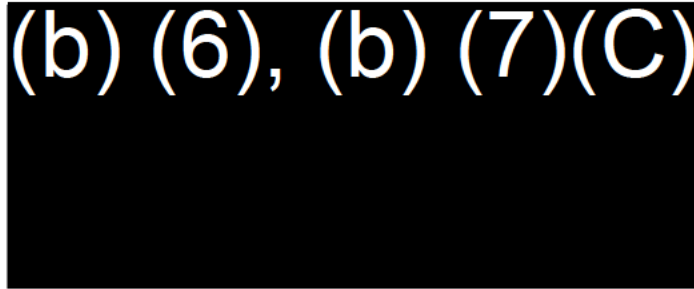
(b) The first amended charge in this proceeding was filed by the Charging Party on February 20, 2019, and a copy was served on Respondent by U.S. mail on February 21, 2019.
2. (a) At all material times, Respondent has been a limited partnership with an office and place of business at Newark International Airport, Newark, New Jersey ("Respondent's facility"), and has been engaged in the retail sale of food and beverage and related products.

(b) During the preceding twelve-months, in conducting its operations described above in paragraph 2(a), Respondent derived gross revenues in excess of \$500,000.

(c) During the preceding twelve-months, in conducting its operations described above in paragraph 2(a), Respondent purchased and received at Respondent's facility, goods valued in excess of \$5,000 directly from suppliers located outside the State of New Jersey.
3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.
5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)



6. The following employees of Respondent ("the Unit") constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All baristas, cooks 1-3, food prep, cashiers, hosts/hostesses, bar servers, commissary runners and utility leads employed by Respondent at Terminal C at Newark International Airport, excluding all others such as managers, clerical, supervisory and professional employees and guards, as defined in the Act.
7. At all material times, Respondent has recognized the Charging Party as the exclusive collective bargaining representative of the Unit for purposes of collective bargaining with respect to wages, hours and other terms and conditions of employment. This recognition has been embodied in successive collective bargaining agreements the most recent of which was effective by its term from about November 2, 2015 to October 31, 2018.
8. At all material times, based on Section 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of the Unit.
9. Respondent, by the individuals named below, about the dates and at the locations opposite their names, threatened employees with reprisals, including discharge and/or layoffs, if employees refused to sign Respondent's unilaterally-imposed employee reclassification document:

Agent	Date	Location
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal Concourse 3 located at Respondent's facility

10. Respondent, by the individuals named below, about the dates and at the locations opposite their names bypassed the Charging Party and dealt directly with employees employed by Respondent and who are in the Unit by addressing unilateral wage reductions and Respondent's elimination of the job classification of Gate Hold Server.

Agent	Date	Location
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal Concourse 3 located at Respondent's facility
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal Concourse 3 located at Respondent's facility

11. About October 30 and October 31, 2018, Respondent eliminated the job classification of Gate Hold Server.

12. About November 1, 2018, Respondent implemented a tip pooling compensation system for employees employed by Respondent in the Unit.

13. The subjects set forth above in paragraphs 10,11 and 12 relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.
14. Respondent engaged in the conduct described above in paragraphs 10, 11 and 12 without first providing the Charging Party with an opportunity to bargain with respect to these subjects and/or bargaining with the Charging Party to an overall good-faith impasse with respect to these subjects.
15. By the conduct described above in paragraph 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.
16. By the conduct described above in paragraphs 10, 11, 12 and 14, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.
17. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDIES

As part of the remedy for the unfair labor practices alleged above in paragraphs 9, 10, 11, 12, 14, 15 and 16, the General Counsel seeks an Order requiring Respondent to: (1) post in the its facility any Notice to Employees that may issue in this proceeding; (2) electronically post the Notice to Employees for employees employed at its facility if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees; and (3) send a copy of any Board Order and Notice to Employees to all its supervisors at its facility in Newark International Airport, Terminal C, Newark, NJ 07114. As to the unilateral changes described above in paragraphs 11 and 12, the General Counsel further seeks an Order requiring Respondent to: (a) upon request of the Charging Party, rescind the unilateral changes alleged herein, (b) make whole the employees for any loss of pay or benefit they may have suffered as a result of said unilateral changes alleged, and (c) bargain with the Charging Party in good faith to an agreement or impasse concerning any proposed changes in terms and conditions of employment.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before March 12, 2019, or postmarked on or before March 11, 2019.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the **23rd day of April, 2019, at 9:30 a.m.** at Veteran's Administration Building, 20 Washington Place, 5th Floor, Newark, New Jersey, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: February 26, 2019.



DAVID E. LEACH III, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22
20 WASHINGTON PLACE, FLOOR 5
NEWARK, NJ 07102-3127

Attachments

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

OTG Management EWR, LLC

and

Unite Here Local 100

CASE 22-CA-232086

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

OTG Management EWR, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

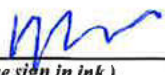
NAME: Mark J. Foley

MAILING ADDRESS: Drinker Biddle & Reath LLP, One Logan Square, Suite 2000, Philadelphia, PA 19103

E-MAIL ADDRESS: mark.foley@dbr.com

OFFICE TELEPHONE NUMBER: 215-988-2744

CELL PHONE NUMBER: 215-284-4637 FAX: 215-988-2757

SIGNATURE: 
(Please sign in ink.)

DATE: 3/7/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

OTG Management EWR, LLC

and

Unite Here Local 100

CASE 22-CA-232086

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

OTG Management EWR, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Matthew A. Fontana

MAILING ADDRESS: Drinker Biddle & Reath LLP, One Logan Square, Suite 2000, Philadelphia, PA 19103

E-MAIL ADDRESS: matthew.fontana@dbr.com

OFFICE TELEPHONE NUMBER: 215-988-2912

CELL PHONE NUMBER: 717-574-3923 FAX: 215-988-2757

SIGNATURE: 

(Please sign in ink.)

DATE: 3/7/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC

and

Case 22-CA-232086

UNITE HERE LOCAL 100

ORDER EXTENDING TIME TO FILE ANSWER

IT IS HEREBY ORDERED that the time for filing an answer in this case be, and it hereby is extended to March 19, 2019.

Dated at Newark, New Jersey this 8th day of March, 2019.



David E. Leach III, Regional Director
National Labor Relations Board
Region 22
20 Washington Place, 5th Floor
Newark, NJ 07102-3127

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC.

and

Case 22-CA-232086

UNITE HERE LOCAL 100

RESPONDENT'S ANSWER TO THE COMPLAINT AND NOTICE OF HEARING

OTG Management EWR, LLC ("OTG" or "Respondent"), by and through its undersigned counsel, states as follows for its Answer to the Complaint and Notice of Hearing in the above-captioned matter:

1. Respondent admits the allegations in Paragraph 1(a)-(b).
2. Respondent admits the allegations in Paragraph 2(a)-(c).
3. Respondent admits the allegations in Paragraph 3.
4. Respondent admits the allegations in Paragraph 4.
5. Respondent admits the allegations in Paragraph 5.
6. Respondent admits the allegations in Paragraph 6.
7. Respondent admits the allegations in Paragraph 7.
8. Respondent admits the allegations in Paragraph 8.
9. Respondent denies the allegations in Paragraph 9.
10. Respondent denies the allegations in Paragraph 10.
11. Respondent denies the allegations in Paragraph 11 as stated. By way of further response, on or about November 1, 2018, OTG implemented several changes to its customer service model. These changes included eliminating the position of Gatehold Server.
12. Respondent denies the allegations in Paragraph 12 as stated. By way of further response, on or about November 1, 2018, as part of the aforementioned changes to its customer

service model, OTG altered its tip pooling program.

13. The allegations in Paragraph 13 are conclusions of law to which no response is required. To the extent a response is required, the allegations in Paragraph 13 are denied.

14. The allegations in Paragraph 14 are conclusions of law to which no response is required. To the extent a response is required, the allegations in Paragraph 14 are denied.

15. The allegations in Paragraph 15 are conclusions of law to which no response is required. To the extent a response is required, the allegations in Paragraph 15 are denied.

16. The allegations in Paragraph 16 are conclusions of law to which no response is required. To the extent a response is required, the allegations in Paragraph 16 are denied.

17. The allegations in Paragraph 17 are conclusions of law to which no response is required. To the extent a response is required, the allegations in Paragraph 17 are denied.

AFFIRMATIVE DEFENSES

Respondent OTG, for its Affirmative Defenses to the Complaint, states as follows:

1. All acts by Respondent were undertaken in the ordinary course of business and for legitimate business reasons and not related to the exercise of any concerted activity by Respondent's employees or to discourage employees from engaging in protected activities.

2. At all relevant times, Respondent acted lawfully and in accordance with its rights and obligations under the National Labor Relations Act (the "Act") and the Parties' collective bargaining agreement.

3. The Complaint fails, in whole or in part, to state a claim upon which relief may be granted under Section 8(a)(1) and Section 8(a)(5) of the Act or for which any damages sought can be awarded.

4. The allegations in the Complaint are barred by the doctrine of waiver, and/or concern rights of the Respondent covered by the contract between the Parties.

5. The allegations in the Complaint are barred in whole or in part by the applicable statute of limitations.

6. The Complaint fails to identify the protected activity relied upon to support the claims against Respondent contained in Paragraph 9 and Paragraph 15.

7. The Complaint, as currently pled, denies Respondent its due process right to receive reasonable notice of the facts and law asserted to constitute a violation of the Act so that it may adequately defend itself.

8. Respondent acted at all times consistent with its rights and obligations under the Parties' collective bargaining agreement.

9. Respondent acted consistent with its rights under the Parties' collective bargaining agreement when it eliminated the Gatehold Server position and offered affected employees in that position the choice between accepting a Server position, applying for another available position within OTG or being laid off.

10. Respondent's tip pooling program is not a mandatory subject of bargaining.

11. Respondent provided the Union with reasonable notice and an opportunity to bargain about the effects of Respondent's changes to its customer service model, including the elimination of the Gatehold Server position and the implementation of the tip pooling program.

12. The Charging Party acted in bad faith by failing and refusing to meet at reasonable times and confer in good faith with Respondent when requested.

13. The claims alleged in the Complaint seek to interfere with Respondent's rights under Section 8(c) of the Act.

14. The claims alleged in the Complaint seek to interfere with Respondent's rights under Section 8(d) of the Act.

15. The Board is not entitled under the Act to the relief sought.

16. The allegations in the Complaint are barred by the doctrine of estoppel.

17. The allegations in the Complaint concern matters covered by the Parties' collective bargaining agreement, and should therefore be deferred to the Parties' grievance and arbitration procedure.

18. Respondent reserves the right to amend this Answer and to assert additional defenses and/or supplement, alter, or change its Answer and Affirmative Defenses as appropriate.

WHEREFORE, Respondent OTG requests that the Complaint be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Foley', is written over a horizontal line.

Mark J. Foley
Matthew A. Fontana
Drinker Biddle & Reath LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996
(215) 988-2700
(215) 988-2757 Fax

Attorneys for Respondent

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC.

and

Case 22-CA-232086

UNITE HERE LOCAL 100

MOTION TO POSTPONE HEARING DATE

OTG Management EWR, LLC (“OTG” or “Respondent”), by and through its undersigned counsel, submits the following Motion to Postpone the Hearing Date, pursuant to Section 102.16 of the National Labor Relations Board’s regulations, and states as follows:

1. On February 26, 2019, the Region issued a Complaint and Notice of Hearing in the above captioned matter. Respondent did not receive the Complaint until February 28, 2019.
2. The Notice of Hearing identified April 23, 2019 as the scheduled Hearing date.
3. On March 7, 2019, Respondent retained the undersigned firm to represent it in this matter.
4. Due to vacation schedules and work-related travel, several of Respondent’s key witnesses are unavailable between March 8, 2019 and mid-April 2019. Additionally, due to other pending litigation matters, Respondent’s counsel is substantially unavailable during the same time period.
5. Because Respondent’s counsel has just been retained in this matter, we have not yet had an opportunity to investigate the facts and circumstances surrounding the Complaint. As

key witnesses are unavailable until the middle of April (and Respondent's counsel has limited availability until then), Respondent's counsel will not have the opportunity to interview these witnesses until the eve of the Hearing.

6. As such, Respondent requests a one-month postponement of the Hearing to allow for Respondent's counsel to investigate the facts and circumstances surrounding the Complaint and properly prepare for the Hearing.

7. Unite Here Local 100's counsel was notified of Respondent's request and refused to consent.

8. This motion is not made for the purpose of delaying these proceedings but rather to afford the Respondent the opportunity to properly prepare for the Hearing. Denial of this motion would result in prejudice to the Respondent.

For the reasons set forth above, the Respondent respectfully requests that the hearing scheduled in this matter for April 23, 2019 be postponed until May 23, 2019.

Dated: March 20, 2019

Respectfully submitted,



Mark J. Foley, Esquire
Matthew A. Fontana, Esquire
Drinker Biddle & Reath, LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

~~OTG MANAGEMENT EWR, LLC.~~

and

Case 22-CA-232086

UNITE HERE LOCAL 100

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of Respondent's
MOTION TO POSTPONE THE HEARING was served by electronic mail on March 20, 2019 upon:

Andrew D. Midgen, Esq.
Pitta LLP
120 Broadway, 28th Floor
New York, New York
Counsel for Charging Parties

David E. Leach III
Regional Director
National Labor Relations Board,
Region Twenty-Two
20 Washington Place, Floor 5
Newark, New Jersey 07102

Executed on March 20, 2019

By: _____



Matthew Fontana

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC

and

Case 22-CA-232086

UNITE HERE LOCAL 100

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from April 23, 2019 to **May 29, 2019** at 9:30 a.m. at 20 Washington Place, 5th Floor, Newark, NJ 07102. The hearing will continue on consecutive days until concluded.

Dated: April 2, 2019

/s/ David E. Leach III

DAVID E. LEACH III, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22
20 WASHINGTON PLACE, FL 5
NEWARK, NJ 07102-3127

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC

and

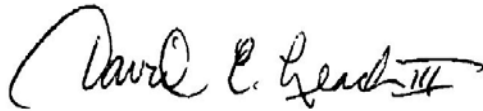
Case 22-CA-232086

UNITE HERE LOCAL 100

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from May 29, 2019 to **August 27, 2019** at 9:30 a.m. at 20 Washington Place, 5th Floor, Newark, NJ 07102. The hearing will continue on consecutive days until concluded.

Dated: May 21, 2019



DAVID E. LEACH III, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22
20 WASHINGTON PLACE, FL 5
NEWARK, NJ 07102-3127

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC

and

Case 22-CA-232086

UNITE HERE LOCAL 100

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from August 27, 2019 to 9:30 a.m. on **August 20, 2019** at 20 Washington Place, 5th Floor, Newark, NJ 07102. The hearing will continue on consecutive days until concluded.

Dated: June 17, 2019

/s/ David E. Leach III

DAVID E. LEACH III, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22
20 WASHINGTON PLACE, FLOOR 5
NEWARK, NJ 07102-3127

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

OTG MANAGEMENT EWR, LLC

and

Case 22-CA-232086

UNITE HERE LOCAL 100

NOTICE OF MOTION TO AMEND COMPLAINT

PLEASE TAKE NOTICE that at the hearing in the above-referenced case, at 9:30 a.m. on August 27, 2019, at the Veterans Administration Building, 20 Washington Place, Newark, New Jersey, or as soon thereafter as counsel may be heard before an Administrative Law Judge, Counsel for the General Counsel will move to amend the Complaint and Notice of Hearing issued on February 26, 2019, as follows:

1. Paragraph 5 of the Complaint will be amended to include the following additional persons:

(b) (6), (b) (7)(C)

2. Paragraph 9 will be amended, to read:

Respondent, by the individuals named below, about the dates and at the locations opposite their names, threatened employees with reprisals, including discharge and/or layoffs, if employees refused to sign Respondent's unilaterally-imposed employee reclassification document:

AGENT	DATE	LOCATION
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport

3. Paragraph 10 will be amended, to read:

Respondent, by the individuals named below, about the dates and at the locations opposite their names bypassed the Charging Party and dealt directly with employees employed by Respondent and who are in the Unit by addressing unilateral wage reductions and Respondent's elimination of the job classification of Gate Hold Server.

AGENT	DATE	LOCATION
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 30, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport
(b) (6), (b) (7)(C)	About October 31, 2018	Terminal C, Concourse 3 located at Newark-Liberty International Airport

4. Item (3) of "Remedies" section of the Complaint will be amended to read:

(3) send a copy of any Board Order and Notice to Employees to all its supervisors at its facility located at Terminal C, Concourse 3, Newark-Liberty International Airport, Newark, New Jersey 07114.

The remaining portion of the Remedies Section, including Items (1), (2), and Items (a) (b) and (c) remain the same.

Dated at Newark, New Jersey, on July 23, 2019.

/s/ Henry J. Powell

Henry J. Powell
Counsel for the General Counsel
National Labor Relations Board
Region 22
20 Washington Place, 5/FI.
Newark, New Jersey 07102